IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13625 of 2004

Between:

Nulakani Siddayamma, W/o. Veeranagayya,
R/o. Akkampeta Village, Jangareddigudem, Mandal,
W.G. District. **..... PETITIONER**

AND

1 The Agent to Government, District Collector, West Godavari District.
2 The Spl. Dy. Collector, Tribal Welfare, K.R. Puram, West Godavari Dist
3 Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.
4 Kuram Pothu Raju, S/o. Rajulu,
R/o. Jainavari Gudem, Buttaigudem Mandal,
West Godavari District.
5 Sri N.V. B. L. Achary, Advocate,
Jangareddidudem, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction more particularly one in the nature of Writ of Mandamus declaring proceeding of 2nd resondent in S.R.No. 49/2003 dt. 27-7-2004 as illegal, arbitrary, and violative of Arts. 14 and 19 (g) and 300-A of the constitution of India and violative of principles of natural justice and contrary to the provisions of A.P.S.A.L.T. Regulation and consequentially direct the respondents not to evict the petitioner from the schedule land situated in R.S. NO. 40 an extent of Ac. 3.00 cts of Jainvarigudem Village, Buttaigudem Mandal, W.G. District.

Counsel for the Petitioner :MR.P.R.K.AMARENDRA KUMAR

Counsel for the Respondent Nos.1 to 3: G.P. for Land Acquisition.

Counsel for the respondent Nos.4 and 5 : None appeared.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims and alleges that he is the owner of the land admeasuring Acs.3.00 in R.S. No.40 of Jainvarigudem Village, Buttaigudem Mandal of West Godavari District. On a complaint made by the Special Deputy Tahsildar (Tribal Welfare), Kota Ramachandrapuram, the second respondent initiated action under Section 3(2)(a) of A.P. Schedule Areas Land Transfer Regulation (Act 1 of 1959), and by impugned order dated 27.7.2004 directed the Special Deputy Tahsildar to evict the petitioner and assign the land to Tribals in the village. The second respondent recorded the sale transaction transferring the said land in favour of the fourth respondent, Kuram Pothu Raju, a non-Tribal, which is void under the provisions of the Regulations.

Against the orders of the Special Deputy Tahsildar, an appeal would lie to the Agent to the Government and District Collector, the first respondent herein. The petitioner has not availed alternative remedy, and therefore, this Court is not inclined to entertain the writ petition and adjudicate the matter.

While ordering status quo as on today for a period of three weeks, if the petitioner is still in possession of the land, liberty is given to the petitioner to file an appeal within a period of one week from today before the District Collector. As and when appeal is filed along with stay application, the first respondent without in any manner being influenced by the fact that this Court ordered status quo, dispose of the same. It would be in the interest of justice to direct the District Collector to dispose of the appeal within three months from the date of filing of such appeal.

The writ petition is accordingly disposed of. No costs.

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V.V.S. RAO, J

Date : AUGUST 04, 2004.

Note:

Issue wire at

Party's cost.

(B/o)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Agent to Government, District Collector, West Godavari District.
2 The Spl. Dy. Collector, Tribal Welfare, K.R. Puram, West Godavari Dist
3 Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.

4 Two CCs to the Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad (OUT)

5 Two CD copies.